

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS  
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,  
EMC CORPORATION, AND VMWARE,  
INC.,

Defendants.

Case No. 6:20-cv-00473-ADA  
Case No. 6:20-cv-00474-ADA  
Case No. 6:20-cv-00475-ADA  
Case No. 6:20-cv-00476-ADA  
Case No. 6:20-cv-00477-ADA  
Case No. 6:20-cv-00478-ADA  
Case No. 6:20-cv-00479-ADA  
Case No. 6:20-cv-00480-ADA  
Case No. 6:20-cv-00481-ADA  
Case No. 6:20-cv-00482-ADA  
Case No. 6:20-cv-00485-ADA  
Case No. 6:20-cv-00486-ADA

**JURY TRIAL DEMANDED**

**JOINT NOTICE TO AMEND SCHEDULING ORDER**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”) and Defendants Dell Technologies Inc., Dell Inc., EMC Corporation, and VMware, Inc. (collectively, “Defendants”), (collectively, the “Parties”), pursuant to the Court’s Standing Order Regarding Joint or Unopposed Request to Change Deadlines, hereby respectfully provide this Joint Notice to memorialize their agreement to extend case deadlines. The Parties have agreed to adjust the Scheduling Order to afford the Parties more time to streamline the cases, to reduce the number of claims and prior art references currently at issue, to provide the parties more time to resolve outstanding discovery disputes, and to provide additional time to complete depositions and further prepare for trial and expert discovery. The Parties have jointly agreed to modify the schedule as follows:

| Event  | Original Deadline  | New Deadline  |
|--|--|---|
| Deadline to serve ROGs, RFPs, and RFAs.  | November 10, 2021  | The Parties agree that the deadline to serve ROGs, RFPs, and RFAs has passed, and that no new ROGs, RFPs, or RFAs (other than potentially RFAs for authentication, to be discussed among the parties) may be served. This does not prevent either party from seeking relief from the Court on discovery already served. |
| Deadline to add patents.   | Not specifically addressed in prior scheduling order   | The Parties agree that no new patents may be added to any of the pending cases.   |
| Deadline for Defendants to provide access to source code in Austin, Texas.   | Not specifically addressed in prior scheduling order   | December 1, 2021  |
| <p>Deadline for Parties to serve all subpoenas or deposition notices by December 2, 2021 at 5 pm CT, after which, Parties agree to serve no new subpoenas or deposition notices unless otherwise mutually agreed.</p> <p>If, after this deadline, a Party updates or supplements its disclosures to add or change witnesses, or if in good faith an identification of a new witness arises in the context of a deposition, a Party may serve a subpoena or deposition notice for that new witness.</p> | Not specifically addressed in prior scheduling order   | December 2, 2021  |
| Deadline for Defendants to update or supplement disclosures identifying witnesses with knowledge of financial information and technical information for each accused product.  | Not specifically addressed in prior scheduling order   | December 3, 2021  |
| <p>Deadline to submit any remaining disputes from the first meet and confer regarding narrowing the number of specific claims asserted and specific prior art references to be asserted.</p> <p>Unless the parties agree on the narrowing,</p>   | Not specifically addressed in prior scheduling order (deadline to hold first meet and confer was October 29, 2021) | December 3, 2021  |

| Event  | Original Deadline                                    | New Deadline  |
|--|--|---|
| they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.   |  |   |
| <p>Deadline for WSOU to dismiss with prejudice three cases. Dismissals will be with each side to bear its own costs and fees.</p> <p>As noted below, of the at least six cases WSOU dismisses by the close of fact discovery (at least three by January 15, 2021 and at least three by May 6, 2022), at least one case dismissed must be against VMware/Dell/EMC (i.e., case nos. 6:20-cv-480; 6:20-cv-481; 6:20-cv-485; 6:20-cv-486) and at least two cases dismissed must be against Dell/EMC (i.e., Case Nos. 6:20-cv-473; 6:20-cv-474; 6:20-cv-475; 6:20-cv-476; 6:20-cv-477; 6:20-cv-478; 6:20-cv-479; 6:20-cv-482).</p>          | Not specifically addressed in prior scheduling order | January 15, 2022  |
| Deadline to begin the process in the OGP (pages 2 and 3) to Resolve Any Remaining Discovery Disputes (or the then current OGP process for resolving Discovery Disputes).   | Not specifically addressed in prior scheduling order | <p>April 1, 2022</p> <p>All filings with the Court due by April 8, 2022</p> |
| Close of Fact Discovery.   | December 10, 2021                                    | May 6, 2022   |
| <p>Deadline for WSOU to dismiss with prejudice three, if not more, additional cases. Dismissals will be with each side to bear its own costs and fees.</p> <p>Of the at least six cases WSOU dismisses by the close of fact discovery (at least three by January 15, 2021 and at least three by May 6, 2022), at least one case dismissed must be against VMware/Dell/EMC (i.e., case nos. 6:20-cv-480; 6:20-cv-481; 6:20-cv-485; 6:20-cv-486) and at least two cases dismissed must be against Dell/EMC (i.e., Case Nos. 6:20-cv-473; 6:20-cv-474; 6:20-cv-475; 6:20-cv-476; 6:20-cv-477; 6:20-cv-478; 6:20-cv-479; 6:20-cv-482).</p> | Not specifically addressed in prior scheduling order | May 6, 2022   |
| Opening Expert Reports.  | December 22, 2021                                    | May 20, 2022  |
| Rebuttal Expert Reports.   | January 26, 2022                                     | June 17, 2022   |
| Close of Expert Discovery.   | February 18, 2022                                    | July 8, 2022  |
| Deadline for the second of two meet and  | February 18, 2022                                    | July 15, 2022   |

| Event   | Original Deadline                                    | New Deadline       |
|---|--|--------------------|
| confers to discuss narrowing the number of specific claims asserted and specific prior art references to be asserted to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.                             |  |                    |
| Dispositive motion deadline and <i>Daubert</i> motion deadline.   | February 25, 2022                                    | July 22, 2022      |
| Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).  | March 11, 2022                                       | July 29, 2022      |
| Serve objections to pretrial disclosures/rebuttal disclosures.  | March 25, 2022                                       | August 5, 2022     |
| Serve objections to rebuttal disclosures and file motions <i>in limine</i> .  | April 1, 2022  | August 12, 2022    |
| File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .   | April 8, 2022  | August 19, 2022    |
| File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .<br><br>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> . | April 15, 2022                                       | August 26, 2022    |
| File joint notice identifying remaining objections to pretrial disclosures and disputes on motion <i>in limine</i> .  | April 19, 2022                                       | September 9, 2022  |
| (Proposed) First Final Pretrial Conference.   | April 22, 2022                                       | September 23, 2022 |
| (Proposed) Jury Selection / 1 <sup>st</sup> Trial.  | May 2, 2022  | October 3, 2022    |
| (Proposed) Second Final Pretrial Conference   | Not specifically addressed in prior scheduling order | November 28, 2022  |
| (Proposed) Jury Selection / 2 <sup>nd</sup> Trial.  | Not specifically addressed                           | December 5, 2022   |

| Event | Original Deadline         | New Deadline |
|-------|---------------------------|--------------|
|       | in prior scheduling order |              |

Dated: November 29, 2021

By: /s/ James L. Etheridge

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### **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this filing via the Court's CM/ECF system per Local Rule CV-5(a) on November 29, 2021.

/s/ James L. Etheridge  
James L. Etheridge